Elizabeth M. Rotenberg-Schwartz (ER 2607) SHEPPARD MULLIN RICHTER & HAMPTON LLP 30 Rockefeller Plaza **Suite 2400** New York, New York 10112 (212) 332-3800

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

CAI INTERNATIONAL, INC.,

Plaintiff,

MEGAFLEET (PRIVATE) LIMITED, INSHIPPING (PRIVATE) LIMITED, INSHIP (PRIVATE) LIMITED, INSERVEY PAKISTAN (PRIVATE) LIMITED, MEGAIMPEX PAKISTAN (PRIVATE) LIMITED, MEGA IMPEX (PRIVATE) LIMITED, MEGATECH (PRIVATE) LIMITED, MEGATRANS PAKISTAN (PRIVATE) LIMITED, INTRA 21 (PRIVATE) LIMITED, INTRA TWENTY ONE (PRIVATE) LIMITED, MSC PAKISTAN (PRIVATE) LIMITED, FORBES FORBES CAMPBELL & CO (PRIVATE) LIMITED, M-LOG (PRIVATE) LIMITED, FORBES SHIPPING (PRIVATE) LIMITED. FORBES LATHAM (PRIVATE) LIMITED, FORBES TELECOMMUNICATIONS (PRIVATE) LIMITED, FORBES TELECOM (PRIVATE) LIMITED, MEGATRAVEL PAKISTAN (PRIVATE) LIMITED. SEACON (PRIVATE) LIMITED, SEALOG (PRIVATE) LIMITED, SEAEXPRESS (PRIVATE) LIMITED, FORBES LOGISTICS (PRIVATE) LIMITED, FORBES LOGICOM (PRIVATE) LIMITED, MEGARAIL (PRIVATE) LIMITED, MEGATRANSPORT (PRIVATE) LIMITED, FORBES SHIPPING COMPANY (PRIVATE) LIMITED, M. HABIBULLAH KHAN, MEGAFEEDER (PRIVATE) LIMITED,

Defendants.

**USDC SDNY DOCUMENT ELECTRONICALLY FILED** DOC #: DATE FILED:

No. 07-CV-3728(LLS)

RTE ORDER DIRECTING CLERK TO ISSUE PROCESS OF MARITIME ATTACHMENT AND **GARNISHMENT; APPOINTING** PERSON TO SERVE PROCESS **PURSUANT TO RULE 4(c); AND** CONCERNING SCOPE OF SERVICE WHEREAS, on May 21, 2007 plaintiff CAI International, Inc. ("CAI"), filed a Verified Amended Complaint for damages amounting to \$16,416,240.00 inclusive of interest, costs and reasonable attorneys' fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the property of the defendants within this District; and

WHEREAS, the Court has reviewed the Verified Amended Complaint and the Supporting Supplemental Declaration of Elizabeth M. Rotenberg-Schwartz, dated May 16, 2007, and the conditions of Supplemental Admiralty Rule B appear to exist.

## THE COURT ORDERS THAT:

1. Process of Maritime Attachment and Garnishment shall issue forthwith against all tangible or intangible property belonging to, claimed by or being held for Defendants by any garnishees within this District, including but not limited to, ABN Amro Bank; American Express Bank; Bankers Trust; Bank of America, N.A.; Bank of China; The Bank of New York; Barclays Bank; BNP Paribas; Calyon; Citibank, N.A.; Credit Suisse First Boston; Deutsche Bank Trust Company Americas; HSBC Bank USA, N.A.; JP Morgan Chase Bank, N.A.; LaSalle Bank, N.A.; Standard Chartered Bank; UBS AG; U.S. Bank, N.A.; Wachovia Bank, N.A.; and/or Wells Fargo Bank, N.A., in an amount up to and including \$7,890,026.00, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure;

- 2. Any person claiming an interest in the property attached or garnished pursuant to this Order shall, upon application to the Court, be entitled to a prompt hearing at which CAI shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted;
- 3. The Clerk shall issue supplemental process enforcing the Court's Order upon application of plaintiff's counsel without further order of the Court;
- 4. Elizabeth M. Rotenberg-Schwartz, or any other partner or associate of Sheppard, Mullin, Richter & Hampton LLP, is hereby appointed, in addition to the United States Marshal, to serve the Process of Attachment and Garnishment issued pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure and the Verified Complaint, together with a copy of this Order, upon the named garnishee(s) as well as any other garnishee(s) who (based upon subsequent or additional information) may hold assets of, for, or on behalf of Defendants;
- 5. Since initial service of the Process of Maritime Attachment and Garnishment, dated May 11, 2007, and the Order of this Court, dated May 11, 2007 ("May 11 Order"), were personally made by the United States Marshal or other designated process server upon each garnishee, supplemental or subsequent service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or email to the facsimile numbers and email addresses furnished by each garnishee to CAI's counsel, pursuant to the May 11 Order;
- **6.** Service on any garnishee shall be effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day;

- 7. In accordance with Fed. R. Civ. P. 5(b)(2)(D), a garnishee may consent in writing to service by any other means;
- **8.** A copy of this Order shall be attached to and served with the Process of Maritime Attachment and Garnishment.

Entered this **22** ay of May 2007.

United States District Judge Southern District of New York